

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

AIR FORCE OFFICER, AIR FORCE NCO,)
AIR FORCE SPECIAL AGENT, and)
AIR FORCE ENGINEER, on behalf of)
themselves and all others similarly situated,)
)
Plaintiffs,)

Case No. 5:22-cv-00009-TES

v.)

LLOYD J. AUSTIN, III, in his)
official capacity as Secretary of Defense;)
FRANK KENDALL, III, in his)
official capacity as Secretary of the Air Force; and)
ROBERT I. MILLER, in his)
official capacity as Surgeon General of the)
Air Force,)
)
Defendants.)

PLAINTIFFS' AND DEFENDANTS' JOINT STATUS REPORT

Pursuant to the Court's October 18, 2024 Order [Doc. 148], the parties hereby submit this joint status report:

1. On February 15, 2022, this Court entered a preliminary injunction in favor of Plaintiff Air Force Officer and against Defendants [Doc. 51].
2. On June 12, 2024, the Eleventh Circuit Court of Appeals vacated the preliminary injunction as moot [Doc. 128].
3. On October 11, 2024, this Court dismissed the entire case as moot [Doc. 145].
4. On October 18, 2024 [Doc. 148], the Court stayed Plaintiffs' deadline to file a motion for attorneys' fees and ordered the parties to file a joint status report within 14 days after the Supreme Court's resolution of *Lackey v. Stinnie*, No. 23-621.

5. On January 9, 2025, Plaintiffs timely appealed the dismissal order [Doc. 151]. That appeal remains pending, No. 25-10081 (11th Cir.).

6. On February 25, 2025, the Supreme Court issued a decision in *Lackey*. Under Supreme Court Rules 44 and 30, the deadline to file a petition for rehearing in *Lackey* expired on March 24, 2025. No party filed a rehearing petition in *Lackey*. Accordingly, *Lackey* was finally resolved no earlier than March 24, 2025.

7. In light of the decision in *Lackey*, Plaintiffs do not intend to seek fees at this time.

8. Plaintiffs reserve the right to seek fees in the future, including if they ultimately prevail in the underlying case following the pending appeal, and Defendants reserve the right to oppose any request for fees.

9. The parties jointly propose that the Court leave in place the stay of any fees litigation [Doc. 148] until resolution of the appeal in this case, 25-10081 (11th Cir.).

10. Also, the parties jointly propose that the case name be updated to reflect substituted parties, pursuant to Federal Rule of Civil Procedure 25(d): Pete Hegseth is Secretary of Defense (successor to Lloyd J. Austin, III); Gary Ashworth is Acting Secretary of the Air Force (successor to Frank Kendall, III); and John DeGoes is Surgeon General of the Air Force (successor to Robert I. Miller).

Dated: April 4, 2025

Respectfully submitted,

/s/ Adam S. Hochschild

Stephen Crampton, *pro hac vice*
THOMAS MORE SOCIETY – Senior Counsel
PO Box 4506
Tupelo, MS 38803
(662)255-9439
scrampton@thomasmoresociety.org

Adam S. Hochschild, *pro hac vice*
Hochschild Law Firm
THOMAS MORE SOCIETY – Special Counsel
PO Box 401
Plainfield, VT 05667
(314)503-0326
adam@hochschildlaw.com

Michael McHale, *pro hac vice*
THOMAS MORE SOCIETY – Senior Counsel
10506 Burt Circle, Ste. 110
Omaha, NE 68114
(402)501-8586
mmchale@thomasmoresociety.org

Michael R. Hirsh, GA #357220
Hirsh Law Office, LLC
2295 Towne Lake Parkway, Suite 116-181
Woodstock, GA 30189
(678)653-9907
michael@hirsh.law

Mary Catherine Martin, *pro hac vice*
THOMAS MORE SOCIETY – Senior Counsel
112 S. Hanley Rd., Second Floor
Clayton, MO 63105
(314)825-5725
mcmartin@thomasmoresociety.org

Paul M. Jonna, *pro hac vice*
LiMandri & Jonna LLP
THOMAS MORE SOCIETY – Special Counsel
P.O. Box 9120
Rancho Santa Fe, CA 92067
(858)759-994
pjonna@limandri.com

Counsel for Plaintiffs

C. SHANELLE BOOKER
Acting United States Attorney
Middle District of Georgia

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

LANCE SIMON
Assistant United States Attorney
Georgia Bar No. 447643
300 Mulberry St., Suite 400
P.O. Box 1702
Macon, GA 31202
Tel: (478) 621-2663
Email: lance.simon@usdoj.gov

ALEXANDER K. HAAS
Director
Federal Programs Branch

LAUREN A. WETZLER
Deputy Director
Federal Programs Branch

/s/ Cassandra M. Snyder
CASSANDRA M. SNYDER
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (202) 451-7729
email: cassandra.m.snyder@usdoj.gov

Counsel for Defendants